



S&H Form: (2/01)

Docket No.: 1349.1300

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Dong-woo HA et al.

Serial No. 10/659,256

Group Art Unit: 2854

Confirmation No. 3547

Filed: September 11, 2003

Examiner: Culler, Jill E.

For: FEEDING ROLLER SHAFT SUPPORTER FOR INK-JET PRINTER

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed August 5, 2004, having a shortened period for response set to expire on September 7, 2004 (as September 5 was a Sunday and September 6 was a holiday), the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I, claims 1-23**, in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claim 24 is so closely related to elected claims 1-23 that claim 24 should remain in the same application. The elected claims 1-23 are directed to a feeding roller shaft supporter for an ink-jet printer which reduces axial shaking of the feeding roller shaft by providing a second supporting unit at an end opposite of the driving member, and claim 24 is drawn to a feeding roller shaft supporter for an ink-jet printer which prevents shaking of the feeding roller shaft by providing a predetermined interval between a driving member and a first supporting unit of the feeding roller shaft. There have been no references cited to show any necessity for requiring restriction and, in fact, as the Examiner has classified both groups in the same class and subclass, it is believed that the Examiner would find references containing both groups of claims in the same field of technology. It is believed,

moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application. Since each group of claims is in the same class and subclass, the exact same search is required for each group, so there is clearly no undue burden on the Examiner to evaluate both groups of claims.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group II claim 24 is directed to a feeding roller shaft supporter for an ink-jet printer which prevents shaking of the feeding roller shaft by providing a predetermined interval between a driving member and a first supporting unit of the feeding roller shaft, and elected Group I claims 1-23 are directed to a feeding roller shaft supporter for an ink-jet printer which reduces axial shaking of the feeding roller shaft by providing a second supporting unit at an end opposite of the driving member, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 09/07/04

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